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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

10 **In Re:**

11 **PROS RIVERA,**

12 **Debtor,**

13 **CHERIE IVEY,**

14 **Plaintiff,**

15 **vs.**

16 **PROS RIVERA,**

17 **Defendant.**

18 **Civil Number: CV 07-04333PJH**

19 **Bankruptcy No.: 05-32090 TEC**
 20 **Adversary Proceeding No. 05-3441**

21 **DECLARATION OF ATTORNEY FOR**
THE APPELLANT IN SUPPORT OF
“EMERGENCY” APPLICATION AND
MOTION FOR AN ORDER GRANTING A
ONE (1) WEEK EXTENSION TO FILE
THE APPELLANT’S OPENING BRIEF
DUE TO ILLNESS OF THE ATTORNEY
FOR APPELLANT

22 I Willie E. Phillips, Attorney for the Appellant, declare as follows:

23 1. I am an Attorney licensed to practice law in all California Courts and in this Federal Court. I am
 24 the Attorney representing the Plaintiff/Appellant in this proceeding. The Appellant’s Opening Brief is
 25 due on November 13, 2007 (Today). I am requesting that this Court Extend my time to file the
 26 Appellant’s Opening Brief for one (1) week until November 20, 2007 due to my illness.

27 2. I am not a person who does not become ill very often. But, on Friday evening (November 9,
 28 2007), I became very ill with a cold or flu. I had chills, sweats, and chest congestion. I am taking over-
 29 the-counter drugs and was bedridden the entire weekend. I could only sleep and drink liquids. I was
 30 unable to complete the work on the Appellant’s Opening Brief due to the illness.

1 3. I have not requested any prior Extensions or Continuances in this case during the Bankruptcy
2 case nor during this Appeal. I do not have a reputation for missing deadlines. I have had a copy of this
3 filing sent to the Attorney for the Appellee. There is no detriment to the Appellee if this Court Extends
4 the filing deadline for the Appellant's Opening Brief for one (1) week from November 13 to November
5 20, 2007.

I declare under penalty of perjury that the foregoing Declaration is true and correct and that it was executed on November 13, 2007 in the City of Oakland, California.

/s/

Willie E. Phillips, Attorney for Plaintiff/Appellant